

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ESTES EXPRESS LINES  
3901 West Broad Street  
Richmond, Virginia 23230

Plaintiff

v.

NEW CASTLE TRUCK REPAIR AND  
MANUFACTURING, INC.  
1009 River Road  
New Castle, Delaware 19720

Defendant

CIVIL ACTION

NO. 1:05-cv-00670-KAJ

**APPLICATION FOR ENTRY  
OF DEFAULT JUDGMENT**

**ELECTRONICALLY FILED**

Plaintiff Estes Express Lines ("Estes"), pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, requests the entry of default judgment against defendant New Castle Truck Repair and Manufacturing, Inc. ("New Castle"), for freight charges in the amount of thirty-four thousand four hundred two dollars and sixty-eight cents (\$34,402.68), plus interest and costs of this action. In support thereof, plaintiff avers the following:

This matter arises from an agreement entered into between Estes and New Castle for the movement of freight by motor carrier.

During the time period of August 2004 through February 2005, Estes moved freight for New Castle and presented New Castle with freight bills for each movement, totaling \$34,402.68, plus accrued interest.

Despite Estes' repeated demands for payment of freight charges in accordance with the terms of the governing freight tariff, New Castle has failed to make full and complete payment on the freight bills.

The total amount of freight charges due and owing by New Castle to Estes is presently \$34,402.68, plus accrued interest.

On September 14, 2005, Estes filed a Complaint with the U.S. District Court for the District of Delaware seeking payment from New Castle for the outstanding balance of \$34,402.68, plus accrued interest. See Complaint, with invoices, attached as Exhibit "A."

On September 26, 2005, the Complaint was served upon New Castle. See Executed Return of Service attached as Exhibit "B."

As of the date of filing this Application, New Castle has not filed a responsive pleading to the Complaint. The time for filing a responsive pleading is long past due.

As no responsive pleading was filed by New Castle, an Entry of Default was entered by the Clerk of the Court against New Castle on March 15, 2006. See Civil Docket Report attached as Exhibit "C."

As set forth in the Affidavit of David S. Jones, Estes is entitled to damages as follows:

Amount claimed in Complaint.....\$34,402.68

See Affidavit of David S. Jones attached as Exhibit "D."

WHEREFORE, plaintiff Estes Express Lines respectfully requests that a default judgment be entered in its favor and against defendant New Castle Truck Repair and Manufacturing, Inc. in the amount of \$34,402.68, plus interest and costs.

Respectfully submitted,

SILVERMAN, McDONALD &  
FRIEDMAN

By: /s/ Brian E. Lutness  
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Estes Express Lines

Dated: April 18, 2006